

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10688 OF 1997

ORAL ORDER:

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There appears to be certain disputes between the petitioners herein and the un-official respondents 3 to 33 with regard to certain immovable properties situated in Kanigiri. Consequently, an order under Section 145 of the Code of Criminal Procedure was passed by the Mandal Executive Magistrate, Kanigiri, aggrieved by which, the un-official respondents herein filed CrI.R.C.No.815 of 1996. The said Revision was allowed, thereby setting aside the order dated 30.9.1996, under which the petitioners therein were restrained from entering into the property in question. In the circumstances the application dated 21.4.1997 made by the petitioners herein requesting to continue the order under Section 145 of the Code of Criminal Procedure was not considered and the 2nd respondent by endorsement dated 21.4.1997 informed the petitioners the same. The said order is under challenge in this writ petition.

At the outset, it is to be noted that the proceedings under Section 145 of the Code of Criminal Procedure may be initiated whenever the Executive Magistrate is satisfied that a dispute concerning any land within his local jurisdiction is likely to cause breach of peace. Even assuming that the plea of the petitioners that such a situation was existing at the time of filing this writ petition in the year 1997 is correct, nothing has been placed before this Court to show that such situation still continues. Hence, the matter does not warrant adjudication on merits at this point of time.

Accordingly, the writ petition is dismissed as infructuous. No costs.

14th February, 2007.

Kgr

(G. ROHINI).

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10688 OF 1997

14th February, 2007.

Between:

Tathapudi Israil and another.

.. Petitioners.

And

The Collector and District Magistrate,
Prakasam district, Ongole and others.

.. Respondents